

Performance Partnership Agreement (PPA)
between
Nebraska Department of Environmental Quality (NDEQ)
and
U.S. Environmental Protection Agency (EPA), Region 7
for
October 1, 2003 through September 30, 2005

The Nebraska Department of Environmental Quality (NDEQ) and the U.S. Environmental Protection Agency (EPA) have jointly prepared and enter into this Performance Partnership Agreement (PPA) to identify: Operating Principles and Environmental Priorities, for continued work under the National Environmental Performance Partnership System (NEPPS).

Execution of this agreement demonstrates our continuing commitment to environmental improvement that focuses on priorities and is both cost effective and responsive to public concerns, as EPA and NDEQ strive for a common goal: protecting human health and the environment.

Programs under the following statutes are specifically included in this agreement:

- Clean Air Act (Section 105)
- Solid Waste Disposal Act (Section 3011(a))
- Clean Water Act (Section 106)

The spirit of partnership and the principles expressed herein are viewed as the fundamental bases for all of the work jointly entered into by NDEQ and EPA.

This agreement is effective October 1, 2003 and will remain in effect through September 30, 2005. Amendments or modifications to this agreement may be proposed by either party at any time.

Michael J. Linder
Director
Nebraska Department of Environmental Quality

Date

James Gulliford
Regional Administrator

Date

EPA Region VII **Governing Principles**

The partnership between NDEQ and EPA will be governed by the following principles:

The NDEQ and EPA will continue efforts to identify measures of environmental improvement that go beyond “counting beans” and can be expressed as “outcomes” towards meeting the priorities of both agencies.

The NDEQ and EPA will continue to strive for maximum flexibility in both programmatic and financial areas of operation without sacrificing accountability.

The NDEQ and EPA will practice open, honest and frequent communication to avoid unnecessary conflict and promote, where possible, a unified approach to our shared mission.

The NDEQ and EPA will conduct programs, develop policies and carry out activities in ways that ensure fair treatment for all citizens.

The NDEQ and EPA will continue to facilitate information sharing through improved data integration.

Joint Partnership Agreements

Priority Setting

NDEQ and EPA will periodically meet to verify, reaffirm or amend the environmental and human health priorities of each party. EPA and NDEQ will work cooperatively to address the three themes of Region 7: Sensitive Populations, Agriculture and Critical Ecosystems. Considerations to accomplish this will be included in program work plans wherever appropriate.

Data Management

EPA and NDEQ commit resources necessary to make the Trading Partner Agreement (TPA) pertaining to facility level information successful.

EPA and NDEQ agree to actively participate in continuing efforts to modernize federal data systems and reduce the resources burden of NDEQ to submit data to these systems.

NDEQ and EPA agree to continue analyzing reporting requirements in an effort to reduce reporting burdens and to ensure only data that is utilized is reported.

NDEQ and EPA will work to improve the quality of environmental data, to more efficiently exchange data between NDEQ and EPA, and improve access to environmental information (subject to homeland security limitations).

NDEQ and EPA will work to complete a Trading Partner Agreement (TPA) with three months of the states ability to exchange information in an XML (extensible Markup Language) format with EPAs Central Data Exchange (CDX). The TPA will be based on the most current agreement outlining the required information (data elements) that is to be exchanged.

EPA and NDEQ will explore opportunities to jointly utilize EQUIS formats and software where appropriate.

Training

EPA and NDEQ have both identified a point of contact for training. NDEQ's training contact is Gerry Allen, and EPA's training contact is Jan Tarpey, Training Officer. EPA's training contact will serve as a clearinghouse for all EPA and other regional training activities. EPA will coordinate interaction between EPA Region VII training contacts to collaborate on training needs and opportunities which may be of benefit to staff from EPA or other Region VII states.

\$60,000 of PPG funds is set aside for special training activities. These activities will be in addition to training opportunities regularly provided to staff.

Where Region VII training opportunities will benefit NDEQ employees, EPA will make training slots available whenever possible. A partial list of NDEQ priority training opportunities include:

- Water Quality Standards Academy in Region VII
- NPDES Permit Writing
- QA courses
- Nielsen Complete Ground Water Monitoring Field Course
- RCRA Permit Writers Course
- Ground Water Statistics - to evaluate RCRA C and RCRA D ground water monitoring reports
- ASTM Phase I and Phase II Environmental Site Assessments
- Basic Instructor Courses
- Contract Management
- HAZWOPER courses 40 hr and 8 hr refresher
- Financial Modeling
- EMS Internal Auditor training

Monitoring

Collection and analysis of high quality environmental information is a priority of EPA and DEQ. Priority activities are those that meet EPA reporting requirements and monitoring activities, which assist DEQ and EPA to evaluate the state of Nebraska's environment. Agreed upon monitoring activities are identified in program work plans.

NDEQ and EPA will work together to develop tools that provide user-friendly information to our constituents.

Program Evaluations

Program evaluations will be guided by Part 35 requirements and the EPA Region VII Program Review Protocol.

Programs will negotiate program evaluation activities consistent with the protocol.

For FY2004 and 2005 the Air 105, RCRA, and Water 106 evaluations will be based upon semiannual reports from NDEQ. NDEQ agrees to provide EPA with a PPG semiannual progress report.

Innovative Approaches

EPA and NDEQ agree to collaborate on determining how Environmental Management Systems (EMS) development can be incorporated into regulatory programs. Joe Francis, Environmental Assistance Division Administrator will be the lead for NDEQ. Mary Carter, Branch Chief, Solid Waste and Pollution Prevention will be the lead for EPA.

EPA and NDEQ agree to coordinate and communicate regarding activities related to Innovative Technologies including, but not limited to EMS, Performance Track, and Energy Star. Acceptance and implementation of innovative approaches will occur according to the EPA/ECOS Innovations Agreement.

Pollution Prevention

NDEQ will continue efforts in Pollution Prevention (P2) with several outreach programs in the Department. P2 assistance will continue through the Small Business and Public Assistance Coordinator, Air Outreach Coordinator, and RCRA Compliance Assistance Specialist. NDEQ will also continue a partnership with the University of Nebraska Lincoln, P2 intern program for technical assistance to small business and industry in Nebraska.

Worksharing

EPA and NDEQ have limited human resources. To accomplish priority activities, EPA and NDEQ agree to work together to identify opportunities that are available for worksharing between the agencies. Worksharing commitments will be identified in the joint PPG workplans.

EPA and NDEQ commit to continually seek worksharing opportunities throughout the term of this agreement. PPG work plans will be amended as necessary to reflect any new worksharing opportunities identified during FFY 2004 and 2005.

EPA and NDEQ agree to consider programs which are part of the PPG, as well as those not part of the PPG, where appropriate for developing workload priorities and workshare opportunities.

EPA and NDEQ agree to explore opportunities for utilization of the EPA Region VII Science & Technology Center (Laboratory).

EPA agrees to provide NDEQ with a semiannual progress report of the EPA worksharing commitments identified in the PPG.

EPA and NDEQ agree to implement, if possible, a One Cleanup Program Pilot Area during FFY 2004 and FFY 2005.

Homeland Security

EPA and NDEQ commit to sharing technical expertise as necessary for each entity to meet its Homeland Security Commitments and explore how Homeland Security efforts can be integrated into existing programs in a mutually beneficial manner. Joe Francis, Environmental Assistance Division Administrator will be the lead for NDEQ. Bob Jackson, Branch Chief, Emergency Response Removal will be the lead for EPA. EPA will coordinate a resource inventory among all four states.

Timely Reviews and Notification

NDEQ agrees to provide EPA draft regulatory proposals as soon as they are practically available. In addition, NDEQ commits to provide an EQC packet to EPA when the packets are mailed to interested persons. The EQC packet will be mailed to the Regional Administrator's Office.

EPA commits to provide timely feedback on regulatory proposals no less than seven days prior to regulatory hearings.

EPA agrees to provide advance notification to NDEQ about any inspections, monitoring, meetings, or other activities it will participate in within Nebraska's borders. EPA also

agrees to provide advance notice to the appropriate NDEQ contact, of presentations or poster sessions that it will be providing at conferences or meetings in Nebraska.

A process will be set up to track the status of EPA reviews of environmental standards, CWA Section 303(d) list of impaired waters, State Implementation Plan (SIP) revisions, and program implementation documents provided to EPA for review and approval. With the submittal the NDEQ may request a timeline for review completion, a summary of the review process, and the EPA contact. EPA agrees to provide the requested information within thirty days.

Enforcement and Compliance

The NDEQ and EPA agree that enforcement is an essential and integral part of administering our independent and joint program responsibilities. It is also agreed that through the term of this agreement, both agencies will follow the attached EPA, Region 7 “Enforcement Principles” as established in 1998 and the 1999 Memorandum of Agreement between EPA and NDEQ. In addition, both parties recognize the importance of a reasonable balance between compliance assistance and enforcement and will strive to reach this balance in the applications of these Enforcement Principles.

Permitting

The NDEQ and EPA agree that the timely issue and reissue of environmental compliance permits within the requirements of federal and state regulations are essential to administering our programs. Efforts will be escalated through this agreement to eliminate the backlog of expired permits and to issue new permits, as appropriate, within the prescribed time lines.

Strategic Plan

EPA and NDEQ agree to review, identify and communicate common priorities in the EPA Strategic Plan. NDEQ can provide specific priorities for EPA consideration in the development of the strategic plan. EPA Senior Staff and NDEQ Division Administrators will be responsible for their respective program area.